IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4195 OF 2004
IN
FIRST APPEAL NO.685 OF 2003

Milind Laxman Bhat .. Applicant.

Versus

Maharashtra State Road
Transport Corporation .. Respondents.

ALONGWITH

CIVIL APPLICATION NO.1291 OF 2003
IN
FIRST APPEAL NO.685 OF 2003

Maharashtra State Road
Transport Corporation .. Applicants.

Versus

Milind Laxman Bhat .. Respondent.

Mr.M.B.Kotak for the applicant in CA4195/04 and for the respondent in CA1291/03.

Mr.C.M.Lokesh i/b Hegde and Associates for the respondents in CA4195/04 and for the applicants in CA1291/03.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : JANUARY 11, 2005.

P.C.

1. Heard.

2. Civil application No.1291 of 2004 has been filed by the Maharashtra State Road Transport Corporation, who are the appellants in First Appeal No.685 of 2003. By the said application, prayer is

made to stay the judgment and order passed by Motor Accident Claim Tribunal, Thane in MAC No.257 of 1990 dated 20.8.2002. At the time of admission of appeal, ad-interim stay has been granted on condition of depositing 50% of the amount in the trial Court within a period of four weeks. The stay order is dated 24th April, 2003. In view of this direction the amount of Rs.5,72,968/- has been deposited by Maharashtra State Road Transport Corporation. Mr.Kotak, learned counsel who appears for the respondent has submitted that 50% of the amount has not been deposited as per directions and the amount is short by Rs.56,030/- and, therefore, he submitted that there is non compliance of the orders. In reply, which has been filed by the original claimant, he has further requested that ad-interim order be modified and Maharashtra State Road Transport Corporation be directed to deposit total decretal amount.

3. Another Civil application No.4195/04 is filed by the original claimant for modification of the order passed in above referred civil application and to direct release of the amount. We have heard both the sides. We find that the claimant is a Engineer and has met with accident and has lost one leg by amputation. The learned counsel for the claimant submit that decretal

amount be released. What we find is that it is appropriate to direct the Maharashtra State Road Transport Corporation to deposit total amount of compensation as per decree. We also find it appropriate to release amount deposited in this court in favour of the original claimant since he has incurred medical expenses and he is further incurring everyday for medical expenses. Therefore, we pass the following order:

(a) The Maharashtra State Road Transport Corporation is hereby directed to deposit in this Court within a period of 12 weeks the remaining amount of compensation as per decree and the stay shall continue till then.

(b) If the amount is not deposited within stipulated period and as per the full calculation as directed in the decree, the stay shall stand vacated automatically without reference to this Court.

(c) The amount of Rs.5,72,968 which is deposited in the trial Court be released in favour of original claimant - Milind Laxman Bhat without furnishing security.

. Both the applications stands disposed of with the aforesaid order.

(D.B.Bhosale, J.) **(S.B.MHASE, J.)**

:hcs/sbm/